

LEGISLATIVE UPDATES

90TH General Assembly

Regular Session 2015

Classification and Compensation

- 1% COLA will be implemented for the 2016 fiscal year
 - The employee's June 20, 2015 salary will be increased and the resulting salary will be the maximum for fiscal year 2016
- Merit bonuses will be awarded on the June 26, 2015 paycheck

Shared Leave

- Shared Leave is administered on an intra-agency basis
 - Implementation is at the discretion of state agency directors/institution heads
 - If the state agency wishes to opt-out they must notify OPM in writing by **February 1** of each year
- Shared leave is for an employee who:
 - Is suffering from a severe illness
 - Has an immediate family member who is severely ill; or
 - Has approved paternity or maternity leave **AFTER** the birth of a biological child or placement of adoptive or foster child

Child Education Activity Leave (CEAL)

- Attending a school-sponsored program or ceremony
- Attending a graduation or homecoming ceremony
- Attending an awards or scholarship presentation
- Attending a parents' or grandparents' breakfast
- Attending a classroom party

Employer References

- A current/former employer can provide information to a prospective employer about a current/former employee in any format
- How long is the consent valid?
 - Hired, remains with employer for >6 months = no longer than 6 months
 - Hired, remains with employer <6 months = 6 months after the termination

Political Freedom

- If an employee exercises a right or privilege under FOIA, it is unlawful for a public employer to
 - Discipline
 - Threaten to discipline
 - Reprimand orally or in writing
 - Place any notation in the employee's personnel file disciplining or reprimanding employee
 - Discriminate

National Disaster Leave

An employee is entitled to 15 days of paid leave in a calendar year to participate in a training program or emergency/rescue services if the employee is a member of

- The United States Air Force Auxiliary Civil Air Patrol or the United States Coast Guard Auxiliary. The leave must be at the request of the employee's wing commander, the wing commander's designated representative, or *District 15* Captain; or
- The National Disaster Medical System, a Disaster Mortuary Operational Response Team, or a Disaster Medical Assistance Team, of the Office of Emergency Management of the Office of the Assistant Secretary of Preparedness and Response of the United States Department of Health and Human Services

Tuition Savings Plan

- Agency must notify employee
- Agency and employee enter agreement that salary will be withheld
- Employee chooses the amount
- Money will be deposited into employee's tuition savings plan account each payroll cycle
 - Pre-tax (deferred contribution)

Whistleblower

- Criminal background check required before hiring applicant for position with supervisory fiduciary responsibility over fiscal matters
 - Fee payment determined by agency
- Required to report a loss of public funds to Leg Audit within 5 business days
 - Apparent or unauthorized disbursements of public funds
 - Apparent theft or misappropriation of public funds or property
- An employer cannot take adverse action against an employee for reporting a loss
- Materials and documentation are exempt under FOIA
 - Final reports are open to public inspection

Whistleblower

- ◉ Notice requirements – must post a sign in a visible place that includes
 - ◉ Information about the Whistleblower law
 - ◉ Who to contact to report waste or violation
 - ◉ Whether a telephone hotline exists
- ◉ Rewards are not allowed if the communication is in the employee's normal course of job duties
 - ◉ Handles or exerts control over funds
 - ◉ Participate in making decisions/recommendations
 - ◉ Responsible for auditing the employer's funds

Retention Task Force

Purpose

- Study steps to retain employees
- Consider what other public employers have done
- Make a plan to implement the study
- Design a survey instrument to determine barriers to retaining employees
- Provide OPM the plan and survey instrument
- Assess employee retention rates

Agencies to be studied

- Department of Human Services
- Department of Health
- Department of Finance and Admin
- Department of Parks and Tourism

Retention Task Force

Task force

- Members will not receive compensation or per diem, mileage or stipends
- Term expires December 31, 2016
- ASEA will provide staff
- Before 10/31/16 - OPM will report the results and any recommendations for changes to legislation, policy, rules, etc...
- Before 12/31/16 – Task force will report to House and Senate Committees the results and recommendations
- Information that is exempt under FOIA will remain exempt or confidential while in possession of task force

Agency Restructuring Study

Principal departments

- ◉ Department of Agriculture
- ◉ Department of Commerce
- ◉ Department of Interior
- ◉ Department of Health and Human Services
- ◉ Department of Corrections
- ◉ Department of Education
- ◉ Department of Finance and Administration
- ◉ Department of Labor, Employment, & Workforce
- ◉ Department of Natural Resources
- ◉ Department of Homeland Security
- ◉ Any the Governor deems necessary

Agency Restructuring Study

Purpose – reorganization plan

- Estimated cost
- Projected savings
- Projected improvements in service
- Anticipated effects on cost-sharing and federal grants
- Provisions for citizen input
- Appeal mechanisms
- Result accountability methods
- Implementation timetable
- Legislation required to implement reorganization
- Changes to AASIS – costs, timeline
- Whether reorganization is the most efficient structure
- Recommendations regarding powers/duties to be retained

Open Data and Transparency

Purpose

- Evaluate and study
 - ways to appropriately, efficiently, securely share data between and within agencies
 - innovations in information technology to enhance transparency and promote public trust
- Determine most efficient system to deliver public records and data to public officials
- Recommend solutions and legislation for open data and transparency law

Open Data and Transparency

Task force

- First meeting on or before September 1, 2015
- Majority constitutes quorum
- Will provide to the Governor, President Pro Tempore, and Speaker of the House a report including recommendations for proposed legislation
- Expires January 1, 2017

Dispute Resolution Update

Mediation – 19 total

- Agency Level – 14

- Settlement – 10
- No settlement – 3
- Never began – 1

- Appeal level – 5

- Settlement – 1
- No settlement – 4

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